

JUDGE'S COPY

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRANCE MONTAGUE,
Plaintiff

:

:

No. 1:CV-00-0895

:

(M.J. Smyser)

v.
ROBERT W. MEYERS, et al.,
Defendants

FILED
HARRISBURG, PA
JUL 31 2000
MARY E. D'ANDREA, CLERK
Per _____ Deputy Clerk

ANSWER

Defendants, by their attorneys, hereby submit this answer to the complaint.

FIRST DEFENSE

The numbered allegations of the Statement of Claim section of the complaint are answered as follows:

1. ADMITTED.
2. ADMITTED.
3. DENIED.
4. ADMITTED in part; DENIED in part. ADMITTED that plaintiff wrote to the individuals listed. DENIED that no action was taken.
5. ADMITTED in part; DENIED in part. DENIED that no action was taken. The remainder of this numbered paragraph is ADMITTED.
6. DENIED.
7. ADMITTED.
8. ADMITTED in part; DENIED in part. DENIED that no action was taken. The remainder of this numbered paragraph is ADMITTED.

9. ADMITTED in part; DENIED in part. ADMITTED that plaintiff moved to a cell with an inmate who does not smoke. The remainder of this numbered paragraph is DENIED.

10. ADMITTED in part; DENIED in part. DENIED that no action was taken. The remainder of this numbered paragraph is ADMITTED.

11. ADMITTED in part; DENIED in part. DENIED that no action was taken. The remainder of this numbered paragraph is ADMITTED.

12. ADMITTED in part; DENIED in part. ADMITTED that on April 27, 2000 plaintiff was placed on A-Block, Cell 332 with an inmate of plaintiff's choosing. The remainder of this numbered paragraph is DENIED.

13. DENIED.

14. DENIED.

15. ADMITTED.

16. DENIED.

17. DENIED.

SECOND DEFENSE

The complaint fails to state a claim upon which relief may be granted.

THIRD DEFENSE

At no time have defendants, either individually or in concert with others, deprived or sought to deprive plaintiff of any rights, privileges or immunities secured to him by the Constitution or laws of the United States.

FOURTH DEFENSE

At all material times, defendants have acted with a reasonable good-faith belief in the lawfulness of their actions and are entitled to immunity therefor.

FIFTH DEFENSE

Plaintiff is entitled to no relief whether compensatory or equitable.

WHEREFORE, the complaint should be dismissed with prejudice.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By:

Gregory R. Neuhauser
GREGORY R. NEUHAUSER
Senior Deputy Attorney General

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

OFFICE OF ATTORNEY GENERAL
15th Floor, Strawberry Square
Harrisburg, PA 17120
717-787-8106

DATE: July 31, 2000

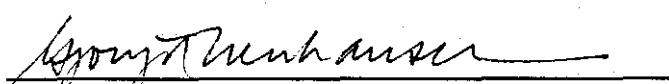
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Plaintiff :
: No. 1:CV-00-0895
v. :
: (M.J. Smyser)
ROBERT W. MEYERS, et al., :
Defendants :
:

CERTIFICATE OF SERVICE

I, GREGORY R. NEUHAUSER, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on July 31, 2000, I caused to be served a true and correct copy of the foregoing document **Answer** depositing it in the United States mail, first-class postage prepaid to the following:

Terrance Montague, BZ-2761
SCI-Rockview
Box A
Bellefonte, PA 16823-0820


GREGORY R. NEUHAUSER
Senior Deputy Attorney General